

20582. Misbranding of Masterex. U.S. v. 46 Bottles of Masterex. Default decree of condemnation and destruction. (F. & D. no. 28917. Sample no. 2747-A.)

Examination of the drug preparation Masterex disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label of the package.

On September 22, 1932, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 bottles of Masterex at Yankton, S.Dak., alleging that the article had been shipped in interstate commerce on or about April 11, 1932, by the Master Laboratories, Inc., from Omaha, Nebr., to Yankton, S.Dak., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "For diarrhoea and bowel disorders in poultry."

Analysis of a sample of the article by this Department showed that it consisted essentially of cajuput oil, petroleum oil, petrolatum, nicotine sulphate, calcium chloride, hydrochloric acid, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On February 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20583. Misbranding of Moses' Herb Expectorant and Moses' Herb Discovery. U.S. v. Moses Remedy Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 27537. I.S. nos. 15921, 15922, 15966.)

Examination of the drug preparations, Moses' Herb Expectorant and Moses' Herb Discovery, disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The Moses' Herb Discovery contained less alcohol than declared on the label.

On July 11, 1932, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Moses Remedy Co., a corporation, Cambria, Va., alleging shipment by the said company in violation of the Food and Drugs Act as amended, from the State of Virginia into the State of North Carolina on or about June 15, 1931, of quantities of Moses' Herb Expectorant and Moses' Herb Discovery, and on or about August 21, 1931, of a quantity of Moses' Herb Discovery, which said articles were misbranded.

Analyses of samples of the articles by this Department showed that Moses' Herb Expectorant consisted essentially of extracts of plant drugs, including horehound and wild cherry, sugar, and water; and Moses' Herb Discovery consisted essentially of extracts of plant drugs, alcohol (7.2 percent by volume), sugar, and water.

Misbranding of Moses' Herb Expectorant was alleged in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, croup, asthma, and bronchitis; and effective, when taken in connection with Moses' Herb Discovery, as a relief for tuberculosis. Misbranding of Moses' Herb Discovery was alleged for the reason that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective to remove diseases of the blood and to rouse the torpid liver to action; effective as a remedy for the diseases of women, effective as a remedy for croup, asthma, coughs, bronchial trouble, tuberculosis, and all diseases of the throat, chest, and lungs, effective to build up a run-down system and to make the sick well by eliminating all poisonous waste, toning up the liver and clearing the intestines of unused food wastes; and effective when taken in connection with Moses' Herb Expectorant as a relief for tuberculosis, coughs, bronchial troubles, and throat diseases. Misbranding of Moses' Herb Discovery was alleged for the further reason that the statement, "Not over

16% alcohol", borne on the carton and bottle labels, was false and misleading; for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein, the article containing less than the 16 percent of alcohol declared, the two lots containing 7.2 percent and 6.8 percent of alcohol, respectively.

On January 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20584. Adulteration and misbranding of National Yeastolized (Medicated) salt. U.S. v. National Feeders Corporation. Plea of nolo contendere. Judgment for \$200 and costs. (F. & P. no. 28123. I.S. no. 18752.)

This action was based on the interstate shipment of a quantity of National Yeastolized (Medicated) salt. Samples taken from the article were found to contain little, if any, yeast, cod-liver oil, potassium iodide, or Epsom salt, substances which were represented to be ingredients of the article.

On September 2, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the National Feeders Corporation, Tiffin, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1931, from the State of Ohio into the State of Minnesota, of a quantity of National Yeastolized (Medicated) salt that was adulterated and misbranded. The article was labeled in part: "National Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil, * * * Potassium Iodide, * * * Epsom Salts. * * * Manufactured by The National Feeders Corp., Tiffin, Ohio."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain an appreciable quantity of yeast, cod-liver oil, potassium iodide, and Epsom salts, whereas it contained little, if any, cod-liver oil, Epsom salts, or yeast, and no potassium iodide.

Misbranding was alleged for the reason that the statements, "Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil * * * Potassium Iodide * * * Epsom Salts", borne on the sacks containing the article, were false and misleading, since the article contained little, if any, cod-liver oil, Epsom salts, and yeast, and no potassium iodide.

On October 7, 1932, a plea of nolo contendere was entered on behalf of the defendant company, and on November 10, 1932, the court entered judgment against the defendant for \$200 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20585. Misbranding and alleged adulteration of cactus butter. U.S. v. 94 Packages of Cactus Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29022. Sample no. 2094-A.)

This action involved a quantity of a product represented to be cactus butter, which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination of the article disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 12, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 94 packages of cactus butter at Albuquerque, N.Mex., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Arizona Laboratories, Inc., from Phoenix, Ariz., to Albuquerque, N.Mex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cactus Butter * * * compounded and packed exclusively by Universal Cactus Food Products Phoenix, Arizona, * * * sole American distributor Phoenix Chemical Laboratories, manufacturing chemists * * * Phoenix, Arizona."

Analysis of a sample of the article by this Department showed that it consisted essentially of peanut butter with added oil and a trace of plant extractive material.

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, under drugs, in that its strength and purity fell below the